Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of Empowering Parents and Protecting Children in an Evolving Media Landscape	))))	MB Docket NO. 09-194

To: The Commission

REPLY COMMENTS FROM WI-LAN INC.

Wi-LAN Inc. (V-chip division) is pleased to make additional comment in reply and to add clarification in response to the Notice of Inquiry adopted by the Commission on October 22, 2009 requesting information, data and recommendations to enable parents and children to navigate the electronic media landscape safely and successfully.

Summary and Introduction

Wi-LAN Inc. ("Wi-LAN"), headquartered in Ottawa, Canada, a Company involved in technology innovation since 1992, holds patents related to V-chip technology and licenses these patents to consumer electronics companies.

V-chip technology required in the United States allows parents to control programming for their children. The technology as described by the Advanced Television Systems Committee (ATSC)[1] and CEA-CEB-12-A "PSIP Recommended Practice" allows for a variety of rating tables to be created or modified in order to provide flexibility and innovation in parental controls for DTV. Professor Tim Collings, a consultant to Wi-LAN, has participated in ATSC and CEA Standards setting committees and has developed V-chip technology during the past two decades.

[1] ATSC A/65-C is referenced in the Code of Federal Regulations Section 15.120 (d)

In that light, Wi-LAN respectfully offers Reply Comment in the following areas in response to Comment by other responders.

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I. Issues for Comment

1. The V-chip is Alive and Well

A primary assumption of V-chip technology has been the understanding that MPAA and TV Parental Guideline (TVPG) ratings, established with the best of intent, may not entirely meet the needs of parents in an evolving television landscape. Over time, changing social focus along with new and varied content may create the need for different criteria in the kinds of ratings parents may want to employ.

In the decade since V-chip was introduced, much has changed in the television landscape. Shortcomings in the original ratings have been pointed out repeatedly. Some feel the ratings are too complicated, are not applied to programming consistently or that current ratings don't meet specific parental concerns. The expected popularity of mobile DTV and its inherent portability will make parental oversight even more problematic.

Recent studies show that children are actually watching more television and spending more time with various media[2]. At the same time, commenters continue to refer to older surveys and studies to make the case that V-chip isn't effective because of relatively low

[2] Kaiser Family Foundation Survey Comment 09-194

usage since its introduction in 1999. However, a recent 2010 nation-wide survey[3] conducted by the United States Conference of Catholic Bishops (USCCB) shows that parents are using parental controls on a variety of platforms more than ever before. In fact, V-chip usage has actually doubled to 32% during the past 4 years in the critical 2 to 14 year-old age category. Furthermore, the USCCB survey indicates that parents want expanded V-chip capability and the study found that V-chip usage would increase even further if this capability was provided.

Expansion of V-chip capabilities can be accomplished with a simple download at no additional cost to consumers for an estimated 140 million V-chip equipped DTV receivers that have the ability to provide improved or entirely new ratings in homes across America.

2. Program Selection vs. Program Blocking

When Professor Collings first started working on his concept for a parental control device more than 20 years ago, he actually dubbed his first prototype "ViewControl" to indicate that parents could control their children's television viewing by selecting appropriate programs or by blocking inappropriate programs based on the received program ratings. And this is exactly how the V-chip is designed to operate in NTIA set-top boxes and DTV receivers today.

Throughout the discussion in this Notice of Inquiry, many commenters have suggested that using ratings to *select* programs is fundamentally different than using ratings to *block* programs. In fact, the V-chip can use ratings to block or select programs. The manner in which V-chip operates is strictly a function of how the ratings are defined.

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[3] United States Conference of Catholic Bishops 09-194

While the V-chip is often referred to as a "blocking" technology, one could also think of the V-chip as a "selection" technology. New ratings may be defined to allow parents to select programs by blocking unselected programs. For example, if a parent wants to *select* "E/I" programs, this is exactly equivalent to *blocking* programs that are rated "non-E/I". Similarly, by defining a reverse graduated scale for "program quality" (from 5-stars down to 0-stars, for example), you will *select* 3-star (or higher) programs by *blocking* programs that are rated 2-stars or less.

The USCCB study points to several initiatives that would increase V-chip usage by parents. Two important recommendations include: (i) using the V-Chip to help parents find appropriate programs for their children (programs that match their children's interests, what they are learning in school, or programs recommended for children) – all of which can be implemented using a program selection approach; and (ii) expanding V-chip ratings to code for alcohol abuse, illegal drug use and unhealthy food choices – content that is not identified in today's ratings but could easily be added.

We agree with CEA that any improvements or new ratings will be provided using downloadable rating tables that can now be processed by DTV receivers in use in tens of millions of homes across America. Wi-LAN would be pleased to provide a working demonstration for any of these capabilities based on various proposals that have been made to the Commission.

Recommendations and Conclusion

Consistent with our belief that V-chip capability in DTV receivers is a blank canvas that can be populated to benefit children, new or improved ratings for use with expanded program blocking and selection capability can now be provided, and can be updated from

time to time to more than 140-million DTV receivers that are now in American homes. A potential 300-million DTV receivers[4] with this capability will be in place by 2014.

We are pleased to see that studies provided to the Commission as part of this Notice of Inquiry indicate that television is not being abandoned by America's media-savvy youth. Parents are using the V-chip more than ever, but they have very real concerns not only in the areas of sexual content and violence, but also in the areas of children's health and well-being as it relates to the depictions of drugs, alcohol, smoking and unhealthy food choices. Additionally, V-chip can and should be used to assist parents in selecting programs for their children. Whether parents decide to use the V-chip to select appropriate programs or block inappropriate content leads to the same end result.

Should a decision be made to provide new or improved V-chip ratings to further assist parents in creating the media landscape they choose for their home, V-chip technology is now in place to provide a cost-free upgrade in American homes.

Wi-LAN appreciates the opportunity in this Notice of Inquiry to provide comment and promises continued support in the ongoing development and deployment of V-chip technology.

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SIGNED

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[4] DVRs with ATSC tuners, after market computer TV tuners and under 13 inch TVs with basic V-chip and download capability are not included in this figure